

OCT 18 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Peter Enston

Applicant's Ref: HDRA001

Application No.: 10/783,595

Examiner: Devore, Peter T.

Filed: 02/21/2004

Group Art Unit: 3751

Title: Apparatus and Method for the Freeing Of
Seized ValvesDate: October 18, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2005

Signed:


Ariel S. Bentoila**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the non-compliant amendment notice mailed on 9/20/2005 in re the prior Restriction Requirement response.

REMARKS***Election and Amendment***

The Examiner has required an election of species for prosecution on the merits. Applicant is required to elect a single subcombination from among claims 1-51 or 52-56 and a single species from the five identified by Examiner.

Applicant provisionally elects species 1 and claims 1-51.

Please note that a portion of the prior submitted remarks was obviously entered erroneously into the submitted response. Please disregard the erroneous portions, and instead enter the following remarks.

Applicant traverses Examiner's restriction requirement, and asserts that even if the claims are drawn to patentably distinct or independent inventions, MPEP § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Although the scope of the claims of group I and group II varies and the underlying species may be patentably distinct, many of the corresponding claimed features are highly similar. Accordingly, although inventions of groups I and II and the underlying species may be patentably distinct, applicant respectfully submits that it would not unduly burden the examiner to simultaneously examine the claims of groups I and II.

Applicant reserves the right to file subsequent applications claiming the non-elected subject matter and do not waive any rights or abandon any non-elected subject matter. Since Applicant has fully and completely responded to the Office Action and have made the required elections, it is respectfully submitted that this application is now in order for early action.

Conclusion

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, he is invited to call the undersigned at the telephone number noted below.

Respectfully submitted,
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